

Title	<b>Juvenile Law: Joint Assessment Procedures for Children (Welf. &amp; Inst. Code, § 241.1)</b> (adopt Cal. Rules of Court, rule 1403.5)
Summary	The proposed new rule would implement Senate Bill 940 by establishing procedures for use whenever a child appears to come within the description of both Welfare and Institutions Code section 300 (dependent child of the juvenile court) and section 601 (ward of the juvenile court for status offense) or section 602 (ward of the juvenile court for violation of law).
Source	Family and Juvenile Law Advisory Committee
Staff	Regina Deihl, 415-865-7646 Jennifer Walter, 415-865-7687
Discussion	<p>The proposed new rule would implement Senate Bill 940 by establishing an orderly procedure whenever a child appears to come within the description of both Welfare and Institutions Code section 300 (dependent child of the juvenile court) and 601 (ward of the court for status offense) or 602 (ward of the juvenile court for violation of law). Senate Bill 940 amended Welfare and Institutions Code section 241.1 to require a joint assessment whenever a child who is under the jurisdiction of the juvenile court in one county is alleged to come within the jurisdiction of the juvenile court in another county. The legislation requires that the responsible child welfare and probation departments complete a joint assessment to determine which status will serve the best interest of the child and the protection of society.</p> <p>The new rule would clarify the requirements of Welfare and Institutions Code section 241.1 for a joint assessment by the child welfare and probation departments. If the petition alleging jurisdiction is filed in the same county where the child is already a dependent or ward, the child welfare and probation departments in that county would assess the child pursuant to a jointly developed written protocol. If a petition is filed in another county, the proposed rule would require the child welfare and probation departments of those two counties to make recommendations to the court in which the second petition was filed.</p> <p>The proposed rule would require notice of a hearing on the joint assessment to be served on the child, the child's parent or guardian, all attorneys of record, any Court Appointed Special Advocate, and any other juvenile court having jurisdiction over the child. The rule would</p>

require the juvenile court to conduct a hearing on the joint assessment as soon as possible after or concurrent with the detention hearing on the second (or later) petition, but no later than 15 court days after the order of detention and prior to the jurisdictional hearing to determine which type of jurisdiction over the child would best meet the child's unique circumstances.

Within 5 calendar days after the juvenile court's decision, the clerk of the juvenile court would be required to transmit the court's findings and orders to any other juvenile court having jurisdiction over the child.

The proposed rule would require the probation and child welfare departments of each county to adopt a written protocol for preparation of joint assessment reports, and to submit a copy to the Judicial Council on or before July 1, 2003. Also, by July 1, 2003, the Committee will propose forms for the joint assessment report and orders after hearing under Welfare and Institutions Code section 241.1.

Rule 1403.5 of the California Rules of Court would be adopted, effective January 1, 2003, to read:

**Rule 1403.5. Joint assessment procedure**

- (a) [Joint assessment requirement (§ 241.1)]** Whenever a child appears to come within the description of section 300 and either section 601 or section 602 of the Welfare and Institutions Code, the responsible child welfare and probation departments must conduct a joint assessment to determine which status will serve the best interest of the child.
- (1) The assessment must be completed as soon as possible after the child comes to the attention of either department.
- (2) Whenever possible, the determination of status must be made before any petition concerning the child is filed.
- (3) The assessment report need not be prepared before the petition is filed but must be provided to the court for the hearing as set forth in (e).
- (4) If a petition has been filed, on the request of the child, parent, guardian, or counsel, or on the court's own motion, the court may set a hearing for a determination under section 241.1 and order that the joint assessment report be made available as required in (f).
- (b) [Proceedings in same county]** If the petition alleging jurisdiction is filed in a county in which the child is already a dependent or ward, the child welfare and probation departments in that county must assess the child under a jointly developed written protocol and prepare a joint assessment report to be filed in that county.
- (c) [Proceedings in different counties]** If the petition alleging jurisdiction is filed in one county and the child is already a dependent or ward in another county, a joint assessment must be conducted by the responsible departments of each county. If the departments cannot agree on which will prepare the joint assessment report, then the department in the county where the petition is to be filed must prepare the joint assessment report. The joint assessment report must contain the recommendations and reasoning of both the child welfare and the probation departments. The report must be filed at least 5 calendar days before the hearing on the joint assessment in the county where the

1 second petition alleging jurisdictional facts under sections 300, 601 or  
2 602 has been filed.

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4 **(d) [Joint assessment report]** The joint assessment report must include:

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6 (1) A description of the nature of the referral;  
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8 (2) The age of the child;  
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10 (3) The history of any physical, sexual, or emotional abuse of the  
11 child;  
12  
13 (4) The prior record of the child's parents for abuse of this or any  
14 other child;  
15  
16 (5) The prior record of the child for out-of-control or delinquent  
17 behavior;  
18  
19 (6) The parents' cooperation with the child's school;  
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21 (7) The child's functioning at school;  
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23 (8) The nature of the child's home environment;  
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25 (9) The history of involvement of any agencies or professionals with  
26 the child and his or her family; and  
27  
28 (10) Any services or community agencies that are available to assist the  
29 child and his or her family.  
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31 **(e) [Hearing on joint assessment]** If the child is detained, the hearing on  
32 the joint assessment report must occur as soon as possible after or  
33 concurrent with the detention hearing, but no later than 15 court days  
34 after the order of detention and prior to the jurisdiction hearing. If the  
35 child is not detained, the hearing on the joint assessment must occur  
36 prior to the jurisdictional hearing and within 30 days of the date of the  
37 petition. The juvenile court must conduct the hearing and determine  
38 which type of jurisdiction over the child best meets the child's unique  
39 circumstances.  
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41 **(f) [Notice and participation]** At least 5 calendar days before the hearing,  
42 notice of the hearing and copies of the joint assessment report must be  
43 provided to the child, the child's parent or guardian, all attorneys of

1 record, any Court Appointed Special Advocate, and any other juvenile  
2 court having jurisdiction over the child. The notice must be directed to  
3 the judicial officer or department that will conduct the hearing.  
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5 **(g) [Conduct of hearing]** All parties and their attorneys must have an  
6 opportunity to be heard at the hearing. The court must make a  
7 determination regarding the appropriate status of the child and state its  
8 reasons on the record or in a written order.  
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10 **(h) [Notice of decision after hearing]** Within 5 calendar days after the  
11 hearing, the clerk of the juvenile court must transmit the court's  
12 findings and orders to any other juvenile court with current jurisdiction  
13 over the child.  
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15 **(i) [Local protocols]** On or before July 1, 2003, the probation and child  
16 welfare departments of each county must adopt a written protocol for  
17 the preparation of joint assessment reports, including procedures for  
18 resolution of disagreements between the probation and child welfare  
19 departments, and submit a copy to the Judicial Council.  
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